

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR THE REGISTERED HOLDERS OF  
BANC OF AMERICA MERRILL LYNCH  
COMMERCIAL MORTGAGE INC.,  
MULTIFAMILY MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2016-KX02, acting by and  
through its special servicer KeyBank N.A.,

Case No: 6:21-cv-6271

*Plaintiff,*

-against-

HOMESTATE ASSET MANAGEMENT, LLC,  
TYCO FIRE & SECURITY (US)  
MANAGEMENT, INC. D/B/A JOHNSON  
CONTROLS FIRE PROTECTION, THOMAS  
MASASCHI, and "JOHN DOE #1" through  
"JOHN DOE #12," the last twelve names being  
fictitious and unknown to the Plaintiff, the persons  
or parties, if any, having or claiming an interest in  
or lien upon the premises, described in the  
Complaint,

*Defendants.*

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**PLAINTIFF'S NOTICE OF DISMISSAL OF THE COMPLAINT**

Plaintiff U.S. Bank National Association, as Trustee for the Registered Holdings of Banc of America Merrill Lynch Commercial Mortgage Inc., Multifamily Mortgage Pass-Through Certificates, Series 2016-KX02, acting by and through its special servicer KeyBank N.A. pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure hereby dismisses all causes of action in the complaint against the defendants with prejudice. None of the defendants have filed an answer to the complaint nor a motion for summary judgment as to these claims. Dismissal under Rule 41(a)(1) is therefore appropriate.

Dated: March 2, 2022

Respectfully submitted,

**TROUTMAN PEPPER HAMILTON SANDERS LLP**

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*Attorneys for U.S. Bank National Association, as  
Trustee, for the benefit of the Holders of COMM  
2013-CCRE11 Mortgage Trust Commercial  
Mortgage Pass-Through Certificates*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using CM/ECF system, which will send automatic notification of such filing to all CM/ECF participants.

Dated: March 2, 2022

*/s/ Christina L. Shifton* \_\_\_\_\_

Christina L. Shifton